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| APPLICATION NO.                             | FILING DATE                            | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---|--|----------------------|-------------------------|------------------|
| 09/439,225                                  | 11/12/1999                             | CARLOS SALDANHA      | 1162.007US1             | 1407             |
| 21186                                       | 7590 12/17/2003                        | EXAMINER             |                         |                  |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. |  |                      | HAVAN, THU THAO         |                  |
|   | P.O. BOX 2938<br>MINNEAPOLIS, MN 55402 |                      | ART UNIT                | PAPER NUMBER     |
| ,   |  |                      | 2672                    |                  |
|   |  |                      | DATE MAILED: 12/17/2003 | 23               |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address— Period for Reply  AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the people of reply secretical store is the sine than the first of the correspondence and the second store is the second of STORT 118(s). In re-event, however, may a re-ply test intensify the distinct of the people of the people of the communication.  If the people of reply secretical store is see than the first of designs, a reply while the standary minimum of thing (20) days will be considered timely.  If the people of reply secretical store is see than the first of designs, a reply while the standary minimum of thing (20) days will be considered timely.  If the people of reply secretical store is see than the first of designs, are ply while the standary minimum of thing (20) days will be considered timely.  If the people of reply secretical store is see than the first of the secretic designs of the communication.  If the people of the secretic designs of the communication is the secretic file of the people of the peo |  | Application No.   | (pplicant(s)   |  |  |  |
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| Examiner Thu-Thao Havan  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Is transcored fines may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be thinly filed  If the patifier dray profield above, the maximum datalous period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If this patifier dray profield above, the maximum datalous period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If this patifier dray profield above, the maximum datalous period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If this patifier dray the profield size of the profit of the communication addition the profit of the communication addition to the communication and period patient from adjustment. See 37 CPR 1.704(b)  Responsive to communication(s) filed on 11 August 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.45 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) is/are allowed.  5) Claim(s) is/are as allowed.  6) Claim(s) is/are as allowed.  7) Claim(s) is/are objected to by the Examiner.  8) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CPR 1.85(a).  Replacement drawing sheek(s) including the correction is required if the drawing(s) is objected to See 37 CPR 1.121(d).  11) The oath or declaration is objected  | <b>—</b>   |   |  |  |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAIL NO DATE OF THIS COMMUNICATION.  I the pacied for reply septicided before is less than hirty (30 days, a reply whitin the statutory minimum of thiny (30) days will be cornicated the site (8) days will be cornicated than the site of the statutory pacied will apply a solid replace to the MONTH's from the mailing date of this communication.  If the pacied for reply septicided shore, the maintennia date of the statutory pacied will apply whitin the statutory minimum of thiny (30) days will be cornicated the short of the statutory minimum of thiny (30) days will be cornicated the short of the short of the statutory minimum of thiny (30) days will be considered timely.  I the pacied for reply septicided shore is less than hirty (30) days, a reply received by the Citica lister than trave months after the mailing date of this communication, even if timely filed, may reduce a my search packet of the communication of the mailing date of this communication, even if timely filed, may reduce a my search packet of the communication of the same o | Office Action Summary  | <u>.</u>  |  |  |  |  |
| - The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Estations of time may be available under the provisions of 3 CFR 1.13(a). In an event, however, may a reply be limely filed at the pack for reply specified above is less than thirty (00) days, a reply whish the station provision and the provision of t | -  |   |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CPR 1.136(). Inno event, however, may a reply be timely filled  Extensions of time may be available under the sproxime of 3 CPR 1.136(). Inno event, however, may a reply be timely filled  It the petiod for reply specified above is less than thirty (20) days, a reply villin the statlatdory minimum of thirty (20) days will be considered timely.  If the petiod for reply specified above is less than thirty (20) days, a reply villin the statlatdory minimum of thirty (20) days will be considered timely.  If the petiod for reply specified above is less than thirty (20) days, a reply villin the statlatdory minimum of thirty (20) days will be considered timely.  If the petiod for reply specified above is less than thirty (20) days and villing reply and v |  |   |  |  |  |  |
| THE MAILING DATE OF THIS COMMUNICATION.  - Estendance of time may be available under the provisions of 3 CFR 1136p). In no event, however, may a reply be timely filed aller SIX (9) MONTH'S from the mailing date of this communication.  - If this period for reply specified above in both and the provision of the p | Period for Reply   |   |  |  |  |  |
| 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s)  | THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute,  - Any reply received by the Office later than three months after the mailing  | i6(a). In no event, however, may a reply be time<br>within the statutory minimum of thirty (30) days<br>ill apply and will expire SIX (6) MONTHS from<br>cause the application to become ABANDONEI                    | nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133). |  |  |  |
| Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <code>Ex parte Quayle</code> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)  | 1) Responsive to communication(s) filed on 11 Au   | <u>ıgust 2003</u> .   |  |  |  |  |
| closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims   | 2a) This action is <b>FINAL</b> . 2b) This a   | action is non-final.  |  |  |  |  |
| 4.)  |  |   |  |  |  |  |
| 4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to.  8) ☒ Claim(s) 45 are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1.□ Certified copies of the priority documents have been received.  2.□ Certified copies of the priority documents have been received in Application No  3.□ □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  13) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Altachment(s)  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.   | Disposition of Claims  |   |  |  |  |  |
| Claim(s) is/are allowed.   | 4)⊠ Claim(s) <u>1-45</u> is/are pending in the application.  | •   |  |  |  |  |
| 6  | 4a) Of the above claim(s) is/are withdraw  | vn from consideration.  |  |  |  |  |
| 7) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  | 5) Claim(s) is/are allowed.  |   |  |  |  |  |
| Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.   | 6) Claim(s) is/are rejected.   |   |  |  |  |  |
| Application Papers  9)   | Claim(s) is/are objected to.   |   |  |  |  |  |
| 9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.   | 8) Claim(s) <u>1-45</u> are subject to restriction and/or e  | election requirement.   |  |  |  |  |
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| Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1 Notice of References Cited (PTO-892)  4 Interview Summary (PTO-413) Paper No(s).  5 Notice of Informal Patent Application (PTO-152)  | Replacement drawing sheet(s) including the correcti  | on is required if the drawing(s) is obj   | jected to. See 37 CFR 1.121(d).  |  |  |  |
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| Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)   | reference was included in the instruction of the specification of in an Application Data Sheet. 37 OFK 1.76.   |   |  |  |  |  |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)   | Attachment(s)  | _   |  |  |  |  |
|  | 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)  | 5) 🔲 Notice of Informal P   |  |  |  |  |

Application/Control Number: 09/439,225 Page 2

Art Unit: 2672

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-33, drawn to generating objects and simulating draping and collision of the garment, classified in class 700, subclass 135.
  - II. Claims 34-45, drawn to a repository and a compositing rule interpreter, classified in class 345, subclass 420.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention (I) has separate utility from invention (II) such as in producing an image for a computer-simulated mannequin wearing a garment as defined by selected mannequin and garment parameter values comprising generating objects, simulating draping and collision of the garment as recited in invention (I). Similarly, invention (II) has separate utility from invention (I) such as in a repository and a compositing rule interpreter for displaying the two-dimensional images as cited in invention (II). See MPEP § 806.05(d).
- 3. A telephone call was made to Kevin Parker on November 13, 2003 to request an oral election to the above restriction requirement, but did not result in a decision.

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4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTH December 2, 2003

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600